

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

THE INGROS FAMILY LLC,

Bankruptcy No. 20-22606-CMB

Chapter 11

Debtor.

ENTERPRISE BANK,

Adversary Proc. No.

Plaintiff,

vs.

**THE INGROS FAMILY LLC a/k/a/
INGROS FAMILY LLC and RYAN
SHARBONNO,**

Defendants.

NOTICE OF REMOVAL

AND NOW comes The Ingros Family LLC, by and through its Counsel, Robert O Lampl, John P. Lacher, Ryan J. Cooney, Sy O. Lampl and Alexander L. Holmquist, and files this Notice of Removal:

1. The Ingros Family LLC (the “Debtor”) hereby removes to this Honorable Court the case of **ENTERPRISE BANK VS. THE INGROS FAMILY LLC A/K/A INGROS FAMILY LLC AND RYAN SHARBONNO** pending before the Court of Common Pleas of Beaver County, PA at civil docket No. 2020-10702 (“the Case”).

2. The Debtor is entitled to remove the Case pursuant to 28 U.S.C. §1452, 28 U.S.C. § 1334 and F.R.B.P. 9027 and is doing so in a timely manner in accordance with F.R.B.P. 9027(a)(2).

3. The Case is a core proceeding as it is an action to determine the validity, and priority of Enterprise Bank's lien on the Debtor's building located at 295 Third Street, Beaver, PA 15009 (the "Property"). Specifically, Enterprise Bank seeks a declaration (1) that its mortgage is a valid lien and (2) that its mortgage is senior to and has priority over any other interests in the Property, including any liens held by Ryan Sharbonno.

Thus, the Case involves determinations of the validity, extent or priority of liens. *See, 28 U.S.C. Section 157(b)(2)(K).* It also affects property of the estate, the administration of the estate, allowance or disallowance of claims against the estate, and affects the adjustment of the debtor-creditor relationship. *See, 28 U.S.C. Section 157(b)(2) and 11 U.S.C. Section 541.*

4. Under 28 U.S.C. §1334, the district courts shall have original and exclusive jurisdiction of all cases under title 11 and original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11. *Liquidating Tr. of the MPC Liquidating Trust v. Granite Fin. Solutions, Inc. (In re MPC Computers, LLC)*, 465 B.R. 384, 389 (3d. Cir. 2012). Cases under title 11, proceedings arising under title 11, and proceedings arising in a case under title 11 are referred to as "core" proceedings; whereas proceedings "related to" a case under title 11 are referred to as "non-core" proceedings. *Binder v. Price Waterhouse & Co., LLP (In re Resorts Int'l, Inc.)* 372 F.3d 154, 162 (3d. Cir. 2004). This Case is a core proceeding as set forth in paragraph 3.

5. In the alternative, the Case is related to the pending bankruptcy for the reasons set forth in paragraph 3. A proceeding is 'related to' a Chapter 11 proceeding if the 'outcome of the proceeding could conceivably have any effect on the estate being

administered in bankruptcy.'" *Nuveen Mun. Trust ex rel. Nuveen High Yield Mun. Bond Fund v. WithumSmith Brown, P.C.*, 692 F.3d 283, 293-94 (3d Cir. 2012) (quoting *Pacor, Inc. v. Higgins*, 743 F.2d 984, 994 (3d Cir. 1984))

6. In compliance with F.R.B.P. Rule 9027 (a)(1), A docket sheet for the Case is attached hereto as **EXHIBIT A** and all docketed pleadings filed in the Case are collectively attached hereto as **EXHIBIT B**.

7. The Debtor consents to the entry of final orders or judgment by the Bankruptcy Court.

Respectfully Submitted,

Date: October 15, 2020

/s/ Robert O Lampl
ROBERT O LAMPL
PA I.D. #19809
JOHN P. LACHER
PA I.D. #62297
RYAN J. COONEY
PA I.D. #319213
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CERTIFICATE OF SERVICE

Robert O Lampl hereby certifies that on the 15th day of November, a true and correct copy of the within Notice of Removal was served on the following (*via first class mail or email*):

Lauren P. McKenna
William L. Stang
Fox Rothschild LLO
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Date: October 15, 2020

/s/ Robert O Lampl
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